

Message Text

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PAGE 01 PARIS 30431 150229Z
ACTION STR-07

INFO OCT-01 AF-10 ARA-11 EA-10 EUR-12 NEA-10 IO-13
ISO-00 STRE-00 AGRE-00 CEA-01 CIAE-00 COME-00
DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05 L-03
LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15
ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01 DOE-15
/167 W

-----035493 160017Z /21

R 141404Z SEP 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 7353
INFO USMISSION GENEVA

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PASS STR ELECTRICALLY ATTENTION MIKE HATHAWAT

USMTN FOR ATTENTION NEWKIRK

E.O. 11652: N/A
TAGS: GATT, MTN, FR
SUBJ: ANTI COUNTERFEITING CODE

1. FOLLOWING IS TEXT OF A MEMCON BY FORMER AMBASSADOR
WILLIAM N. WALKER COVERING A TALK WITH TESSIER OF THE
FRENCH FOREIGN TRADE MINISTRY STAFF ON SEPTEMBER 14.
HE ASKED THAT THE EMBASSY FORWARD IT TO STR, WASHINGTON
AND GENEVA.

2. BEGIN TEXT: FRENCH GOVERNMENT HAS DECIDED TO DEAL
WITH THE COUNTERFEITING ISSUE IN GATT AND NOT WIPO.
FRENCH PATENT OFFICE HEAD'S LETTER TO U.S. PATENT
COMMISSION RAISING ISSUE IN WIPO - PARIS CONVENTION
CONTEXT WAS NOT AUTHORIZED AND MINISTRY OF TRADE NOW
HAS CHARGE OF THE SUBJECT.

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PAGE 02 PARIS 30431 150229Z

3. TESSIER BELIEVES A SEPARATE CODE SHOULD BE NEGOTI-
ATED ON COUNTERFEITING WITH PROVISION FOR A SURVEIL-
LANCE BODY COMPOSED OF SIGNATORY GOVERNMENT REPRES-
ENTATIVES. HE WANTS THE PROCEDURE FOR CUSTOMS SURVEIL-
LANCE OF INCOMING MERCHANDISE TO BE TRIGGERED EITHER
BY INFORMATION RECEIVED FROM A RELIABLE PRIVATE SOURCE

(I.E. A TRADEMARK OWNER) OR BY A REQUEST FROM ANOTHER SIGNATORY GOVERNMENT. HE MADE SAME POINT AS CULBERT DID MONDAY IN GENEVA THAT INCREASE IN GOVERNMENT-TO-GOVERNMENT ROLE WAS DESIRABLE. HE ALSO DREW ANALOGY TO PROVISIONS IN ANTIDUMPING CODE WHICH ALLOWS SIGNATORIES TO CALL UPON ONE ANOTHER FOR CONSULTATIONS OR TO REQUEST THAT COMMITTEE BE CONVENED. HE ENVISIONS GRANTING PROCEDURES LIKE THOSE PROPOSED BY U.S. WITH INITIAL DETENTION OF GOODS, NOTICE TO IMPORTER AND TRADEMARK OWNER, POSTING OF BOND AND FACT FINDING DECISION. TESSIER SAID PATENT OFFICE BELIEVED THE DECISION ON WHETHER OR NOT SOMETHING IS A COUNTERFEIT SHOULD BE MADE BY PATENT OFFICE OFFICIALS. I POINTED OUT THE FACTUAL DETERMINATION IS ONLY WHETHER THERE IS AN AUTHORIZED USE OF A PROTECTED MARK NOT WHETHER OR NOT THERE IS AN INFRINGEMENT. HE SEEMED SATISFIED WITH THAT.

4. SEPARATELY, UKAWA TOLD ME IN GENEVA THAT GOJ OFFICIALS THOUGHT INTENT OF THE PROPOSAL WAS TO REQUIRE THEM TO GIVE PROTECTION TO TRADEMARKS WHICH WERE PROTECTED UNDER THE LAWS OF OTHER GOVERNMENTS BUT NOT IN JAPAN. THEY ARE SENSITIVE ON THIS SINCE GOJ HAS NOT APPROVED TRADEMARK NEGOTIATION CONVENTION. HE SAID MOST OF GOJ APPREHENSION ABOUT THE CODE WOULD DISAPPEAR ONCE IT WAS UNDERSTOOD THAT THE CODE WAS INTENDED TO PROVIDE PROTECTION ONLY AS TO MARKS REGISTERED UNDER LIMITED OFFICIAL USE

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THE LAWS OF THE IMPORTING COUNTRY. END TEXT.
GAMMON

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CRIMES, NEGOTIATIONS, PROGRAMS (PROJECTS), COUNTERFEITING
Control Number: n/a
Copy: SINGLE
Draft Date: 14 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PARIS30431
Document Source: CORE
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Drafter: n/a
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Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780377-0137
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780966/aaaaccqs.tel
Line Count: 96
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 45102250-c288-dd11-92da-001cc4696bcc
Office: ACTION STR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1433147
Secure: OPEN
Status: NATIVE
Subject: ANTI COUNTERFEITING CODE
TAGS: PORG, PINT, EFIN, FR, GATT, MTN
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/45102250-c288-dd11-92da-001cc4696bcc
Review Markings:
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